



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bryan P. Staker

Application No.: 10/080,064

Filed: February 19, 2002

For: FOLDED LONGITUDINAL
TORSIONAL HINGE FOR GIMBALED
MEMS MIRROR

Customer No.: 20350

Confirmation No.: 8550

Examiner: Sikder, Mohammad Yunis

Art Unit: 2872

**APPLICATION FOR PATENT TERM
ADJUSTMENT CORRECTION**

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant requests reconsideration of the patent term adjustment, in accordance with 37 C.F.R. § 1.705, indicated in the Notice of Allowance dated December 29, 2004, received from the U.S. Patent and Trademark Office (USPTO).

The Notice of Allowance indicates a patent term adjustment of 0 days. Applicant submits that this is incorrect. Applicant believes the patent term adjustment should be 574 days. Presented below is Applicant's calculation basis for requesting a patent term adjustment of 574 days (calculated up to March 24, 2005--the date of mailing of this Application for Patent Term Adjustment).

Statement Of Facts - 37 C.F.R. § 1.705(b)(2)

(i) Correct Patent Term Adjustment and Basis

04/01/2005 HGUTEMA2 00000001 201430 10080064

01 FC:1455 200.00 DA

The Applicants respectfully submit that the correct patent term adjustment is 574 days.

(ii) Relevant Dates

As indicated on the PAIR Patent Term Adjustment History, a copy of which is submitted herewith as **Exhibit A**, the Issue Fee was recorded on April 28, 2003

Applicants submits that a proper and timely response for the payment of the Issue fee payment via facsimile on April 28, 2003 within 3-months of the date of the Notice of Allowance. A copy of the response is enclosed as **Exhibit B**. The documents in **Exhibit B** comprise a Fax Cover Sheet which indicates that the documents were faxed on April 28, 2003. **Exhibit B** also comprises a Transmittal Form with a certification indicating that the documents were filed via facsimile on April 28, 2003. Also attached herewith is an Auto-Reply Facsimile Transmission sheet (see **Exhibit C**) received from the USPTO indicating that the faxed documents were received by the USPTO on April 28, 2003.

In light of the above, Applicant submits that a proper and timely response to the Notice of Allowance dated February 11, 2003 was filed on April 28, 2003. The start of the patent adjustment period under 37 C.F.R. § 1.702(a)(4) was April 28, 2003, the date of payment of the issue fee. Accordingly, the delay caused by USPTO in issuing the patent the period from April 28, 2003 to March 24, 2005. Thus the patent term adjustment is the USPTO delay is 574 days, not 0 days as calculated by the USPTO.

(iii) Terminal Disclaimer

This application is not subject to a terminal disclaimer.

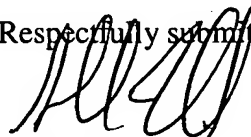
(iv) Circumstances

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application.

Conclusion

The Commissioner is hereby authorized to charge the fee of \$200.00 for filing a request for reconsideration of the patent term adjustment as set forth in § 1.18(e), and any other fees which may be required, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,



Ardeshir Tabibi
Reg. No. 48,750

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Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
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PATENT APPLICATION INFORMATION RETRIEVAL**Patent Term Adjustment (PTA) for publication number: 10/080,064**

			Days
Filing or 371(c) Date:	02-19-2002	USPTO Delay (PTO):	0
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	0
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Assignments
Continuity Data
Image File Wrapper
File History
Publication Review

Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
12-29-2004	Mail Corrected Notice of Allowance		
12-27-2004	Corrected Notice of Allowance		
12-21-2004	Mail Examiner's Amendment		
12-18-2004	Examiner's Amendment Communication		
11-30-2004	Mail Examiner's Amendment		
11-01-2004	Examiner's Amendment Communication		
09-29-2004	Workflow - Query Request - Begin		
09-15-2004	Workflow - File Sent to Contractor		
04-28-2003	Issue Fee Payment Recorded		
02-14-2003	Dispatch to Publications		
02-11-2003	Mail Notice of Allowance		
02-10-2003	Notice of Allowance Data Verification Completed		
02-10-2003	Notice of Allowability		
02-07-2003	Examiner Interview Summary Record (PTOL - 413)		
02-19-2002	Information Disclosure Statement (IDS) Filed		
09-07-2002	Case Docketed to Examiner in GAU		
03-22-2002	Application Dispatched from OIPE		
03-18-2002	Application Is Now Complete		
03-08-2002	IFW Scan & PACR Auto Security Review		
02-19-2002	Initial Exam Team nn		

02-11-2003	Mail Notice of Allowance
02-10-2003	Notice of Allowance Data Verification Completed
02-10-2003	Notice of Allowability
02-07-2003	Examiner Interview Summary Record (PTOL - 413)
02-19-2002	Information Disclosure Statement (IDS) Filed
09-07-2002	Case Docketed to Examiner in GAU
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03-18-2002	Application Is Now Complete
03-08-2002	IFW Scan & PACR Auto Security Review
02-19-2002	Initial Exam Team nn

PTO FAX NO.: (703) 746-4000

ATTENTION: Examiner Mohammad Yunus Sikder
TELEPHONE NO.: (703) 305-5471

Group Art Unit 2834

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FOR THE PERSONAL ATTENTION OF
EXAMINER

CERTIFICATION OF FACSIMILE TRANSMISSION

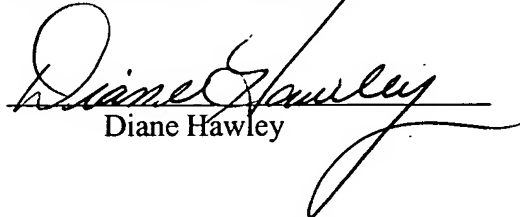
I hereby certify that the below-identified document(s) in re Application of BRYAN P. STAKER, et al., Application No. 10/080,064, filed February 19, 2002 for FOLDED LONGITUDINAL TORSIONAL HINGE FOR GIMBALED MEMS MIRROR is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Part B – Fee(s) Transmittal (in duplicate 1 p).

Number of pages being transmitted, including this page: 3

Dated: April 28, 2003


Diane Hawley

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PA 3301672 v1

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Box ISSUE FEE**
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Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

20350 7590 02/11/2003

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

<u>Diane Hawley</u>	(Depositor's name)
<u>Diane Hawley</u>	(Signature)
April 28, 2003	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,064	02/19/2002	Bryan P. Staker	020974-10.00US	8550

TITLE OF INVENTION: FOLDED LONGITUDINAL TORSIONAL HINGE FOR GIMBALED MEMS MIRROR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$0	\$650	05/12/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
SIKDER, MOHAMMAD YUNUS	2872	359-872000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 Townsend and Townsend
- 2 and Crew LLP
- 3 Kenneth R. Allen

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Glimmerglass Networks, Inc.

Hayward, CA

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee

☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 20-1430 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) Kenneth R. Allen (Date)

Kenneth R. Allen, Reg. No. 27,301 April 28, 2003

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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USPTO-->

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APR. 28. 2003 2:18PM TTC-PA 650-326-2422

NO. 058 P.1

Atty Docket No. 020974-10.00US

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ATTENTION: Examiner Mohammad Yunus Sikder

Group Art Unit 2834

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